

Detail



AX-19-000-8228

Citizen Information

[Generate Control Slip](#)

Citizen/Originator: 1). Hand, Floyd - P.O. Box 150, Pine Ridge Agency, SD 57770
2). Homer, Al - P.O. Box 150, Pine Ridge Agency, SD 57770

Constituent:

Committee:

Sub-Committee:

Control Information

[View Correspondence](#)

Control Number:	AX-19-000-8228	Alternate Number:	
Status:	<input type="text" value="Pending"/>	Closed Date:	N/A
Due Date:	Sep 30 2019	# of Extensions:	0
Letter Date:	Aug 23 2019	Received Date:	Sep 16 2019
Addressee:	AD-Administrator	Addressee Org:	EPA
Contact Type:	LTR (Letter)	Priority Code:	Normal
File Code:	301_1051_a Records of Senior Officials - Historically significant records of senior officials		
Signature:	<input type="text" value="DX-Direct Reply"/> (+)		
CC:	OP - Office of Policy R8 - Region 8 -- Immediate Office Search CC		
Signature Date:	<input type="text" value="Date"/>	State-Tribal Requests:	
Primary Subject:	Reading File - Protecting Tribal treaty rights		Secondary Subject:
Instructions:	DX-Respond directly to this citizen's questions, statements, or concerns		Instruction Notes:
General Notes:	<input type="text"/>		

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Assignee	Office	Assigned	Due Date	Completed	Instructions
Brigitte Moritz OITA		OITA	09/16/2019	09/30/2019	N/A	DX-Respond directly to this citizen's questions, statements, or concerns

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Assignee	Office	Assigned Date
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No records found.

History

Action By	Office	Date	Action
Brigette Moritz	OEX	09/16/2019	Assign OITA as lead office
Lakita Stewart	OITA	09/17/2019	Accepted the group assignment

Comments

Commentator	Date	Comments
No records found.		

*: Required field

(+): Lookup field, press space bar for complete list



BLACK HILLS SIOUX NATION TREATY COUNCIL

PINE RIDGE AGENCY, SD

P.O. BOX 150

PINE RIDGE AGENCY SD 57770

PH. (605) 867-5762

MEMBER RESERVATIONS

Chippewa River, Crow Creek, Fort Rock, Lower Brule, Pine Ridge, Rosebud, Standing Rock, Sisseton, Sisseton

23AUG2019

To: U.S. Environmental Protection Agency
Administrator

Fr: Floyd Looks for Buffalo Hand - Naca
Black Hills Sioux Nation Treaty Council

Although the treaty-making era ended in 1871, Federal treaties with tribes ratified by the U.S. Senate still remain the law, and the Great Sioux Nation has never abandoned or relinquished our Sovereignty or our Inherent Rights through forced assimilation, surrendering, starvation or by any other cruel tactic such as Implemented by President Andrew Jackson.

Under the U.S. Constitution, treaties bind both the Federal Government and the signing Indian tribe or tribes, and does constitute recognition of rights to lands and resources, as well as rights to fish, hunt and gather. As such, the Federal Government has an obligation to honor and respect tribal rights and resources that are protected by treaties. This means that federal agencies like the EPA et al. are bound to give effect to treaty language and, accordingly, must ensure that their actions do not conflict with Indian treaty rights or Article VI of the U.S. Constitution.

The EPA agrees with this comment: "The U.S. Constitution defines treaties as part of the supreme law of the land, with the same legal force as federal statutes. Treaties are to be interpreted in accordance with the federal Indian canons of construction, a set of long-standing principles developed by courts to guide the interpretation of treaties between the U.S. government and Indian tribes. As the Supreme Court has explained, treaties should be construed liberally in favor of tribes, giving effect to the treaty terms as tribes would have understood them, with ambiguous provisions interpreted for their benefit. Only Congress may abrogate Indian treaty rights, and courts will not find that abrogation has occurred absent clear evidence of congressional intent. This does not create any new legal obligations for EPA or expand the authorities granted by EPA's underlying statutes nor does it alter or diminish any existing EPA treaty responsibilities.", therefore these relevant questions must be addressed;

Do treaties exist within a specific geographic area (Trust or Treaty lands)?

What treaty rights exist in, or what treaty-protected resources rely upon, the specific geographic area?

How are treaty rights potentially affected by the proposed action?

The EPA must subsequently consider all relevant information obtained and not allow the illegal circumvention of the Trump administration intentions, to help ensure that the EPA's actions do not conflict with treaty rights, and that the EPA is fully informed when it seeks to implement its programs to further protect treaty rights and resources when it has discretion to do so.

Therefore, be it known that without any 3/4 adult Indian male signed consent as stated in the Fort Laramie Treaties of 1851 and 1868 Article XII, any agreements broken, any violations of contract, voids/nullifies the contract and/or treaty.

Respectfully submitted,



Floyd Looks for Buffalo Hand
Black Hills Sioux Nation Treaty Council



Al Homer
Article VI Advocate

Black Hills Sioux Nation
Treaty Council
P.O. Box 150
Pine Ridge, SD 57770

ROUND CITY SD 57503

06 SEP 2019 PM 11T



U.S. ENVIRONMENTAL PROTECTION
Administrator
Ms. Andrea Wheeler
1200 Pennsylvania Ave NW
Washington, DC 20460

SEP 18 2019

